

ELISA HYMAN, P.C.

April 21, 2022

Magistrate Judge Hon. Gabriel W. Gorenstein
United States District Court
Southern District of New York
500 Pearl St.
New York, NY 10007

MEMORANDUM ENDORSED

Re: *L.T. et al., v. New York City Department of Education, et al.*, 21-cv-1367
(PAE)(GWG)

Dear Judge Gorenstein:

I represent the Plaintiffs in the above-referenced action. I am writing jointly with all Defendants to request an adjournment of the settlement conference currently scheduled for April 27, 2022, and, if such request is denied, an extension of time for the parties to submit their settlement letters to the Court and each other from April 21, 2022 to April 25, 2022.¹ We have conferred with each other and Your Honor's chambers and confirmed that Your Honor and the parties are all available on June 2, 2022 at 10:00 a.m.

The parties are making this request because we agree that (a) additional information can be exchanged between the parties that would further settlement before we appear before Your Honor; (b) documents were recently turned over by Harlem Children's Zone ("HC Defendants") that neither Plaintiffs nor the City had in its possession, that we would like more time to discuss with our clients; (c) Plaintiffs have produced their attorney's fees records to Defendants and have raised concerns that the parties' current litigation pace would continue to increase their fees, which would potentially create a bar to settlement; (d) Defendants HCZ also have a strong interest in trying to keep litigation costs down. We all agree that settlement will be more productive if we have more time to exchange information and formulate our settlement positions in light of the updated information.

The parties have engaged in some document discovery, but are considering applying to Judge Engelmayer to request a short discovery stay for 60 to 90 days to focus on settlement. We will work to continue to work on settlement prior to the next conference.

Thus, while we are requesting an adjournment of the date, to ensure the parties remain on track we are proposing that the parties submit short status letters to the Court every two weeks concerning the parties' progress.

Thank you for Your Honor's consideration of these matters.

¹ We are proposing Monday April 25, 2022, rather than tomorrow April 22, 2020, due to the fact that tomorrow is a religious holiday that is being observed by at least one of the attorneys in this case.


Sincerely,

/s/ *Elisa Hyman*

Elisa Hyman, Esq.
Counsel for the Plaintiffs

It represents a great inconvenience to the Court to continually hold large blocks of time for a settlement conference only to have the conference adjourned --- especially when, as is true for the instant application, the adjournment request comes shortly before the conference. This conduct has now twice resulted in a large block of time having been not available to other parties who sought to have a settlement or other conference. Accordingly, the request in this letter is granted in part and denied in part. The settlement conference is adjourned sine die. The parties shall file a letter on ECF as soon as both sides are fully prepared to proceed with a settlement conference. The letter shall include proposed dates and times for such a conference. The Court will then promptly re-schedule the settlement conference.

So Ordered.



GABRIEL W. CORENSTEIN
United States Magistrate Judge
April 22, 2022